
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

EMILY SHARP RAINS,

Plaintiff,

v.

WESTMINSTER COLLEGE; and
MELISSA KOERNER,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:20-cv-00520-JNP-DAO

Judge Jill N. Parrish

Magistrate Judge Daphne A. Oberg issued a report and recommendation that this court grant summary judgment against the plaintiff on her Title VII claim and dismiss her remaining state-law claims for lack of jurisdiction. *See* ECF No. 146. Judge Oberg notified the plaintiff that a failure to file a timely objection to the recommendation could waive any objections to it. No objection was filed within the allotted time.

Because no party objected to the report and recommendation, any argument that it was in error has been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). In determining whether the interests of justice require an exception to the waiver rule, the Tenth Circuit has “considered factors such as a *pro se* litigant’s effort to comply, the force and plausibility of the explanation for his failure to comply, and the importance of the issues raised.” *Duffield v. Jackson*, 545 F.3d 1234, 1238 (10th Cir. 2008) (internal citation and quotation marks omitted). In this case, there is no indication that the interests of justice require it to deviate from the waiver rule. Thus, the court finds that all objections are waived and ADOPTS IN FULL the Report and Recommendation.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation, ECF No. 146, is ADOPTED IN FULL;
2. Westminster and Ms. Koerner's motion for summary judgment is granted, ECF No. 126, as to Ms. Sharp's Title VII claim (her fourth cause of action);
3. Ms. Rains' remaining state-law claims (all remaining causes of action) are dismissed without prejudice due to lack of jurisdiction, and Defendants' motion for summary judgment, *id.*, is denied as moot as to those claims; and
4. Ms. Rains' motion for partial summary judgment, ECF No. 128, is denied as moot, as it only addresses the state-law claims.

DATED July 29, 2024.

BY THE COURT:



JILL N. PARRISH
United States District Judge